IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

Ex.FA.No. 28 of 2007()

AGAINST THE ORDER DATED 21/06/2007 IN EA 615/07 EP 171/05 IN OS.128/1999 of PRINCIPAL SUB COURT,ERNAKULAM
.....

APPELLANT/PETITIONER/JUDGMENT DEBTOR:

BAJAJ ELECTRICALS LTD.,
BAJAJ HOUSE, POWER HOUSE ROAD, KOCHI-18,
REP. BY ITS BRANCH SALES SUPPORT MANAGER.

BY ADV. SRI.R.KRISHNA RAJ

RESPONDENT/RESPONDENT:

MARY KUTTY THOMAS,
OLASSYIL, POWER HOUSE ROAD, KOCHI-18.

BY ADV. SRI.V.M.KURIAN

THIS EXECUTION FIRST APPEAL HAVING BEEN FINALLY HEARD ON 21/08/2007, ALONG WITH EXFA NO.29 OF 2007 & EXFA NO. 30 OF 2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & V.GIRI, JJ.

EX.F.A.NOS.28, 29 & 30 OF 2007 ()

Dated this the 21st day of August, 2007

J U D G M E N T

KOSHY,J.

Appellant is the judgment debtor facing execution of three money decrees. Bank guarantee furnished was ordered to be realised by the execution court. When the case came up for hearing today, counsel for the appellant submitted that any amount fixed by the Court as payable will be deposited by the appellant within one week. According to the appellant, total amount as per the decrees is only Rs.54,05466/-. Earlier a Division Bench of this Court suggested a settlement to settle the issue on payment of further Rs.35 lakhs more. Learned counsel for the respondent was agreeable for this. According to the counsel for the appellant, Court suggested Rs.35 lakhs. The decreed amount was Rs.59 lakhs and some reduction may be made. Court may fix the amount. Both counsels agreed to

the above. After discussions, we expressed the opinion that Rs.32.5 lakhs will be a fair amount for settlement. Both sides agreed to the same. In the above circumstances, we dispose of these appeals, on condition that, if the agreed amount of Rs.32.5 lakhs is paid to the respondent before 31.8.2007, entire decree amount will stand satisfied and accordingly the execution petition will be closed recording satisfaction and bank guarantee furnished shall be returned. If the amount is not paid within the time fixed, execution petition can continue. With the above directions these appeals are disposed of.

J.B.KOSHY, JUDGE

V.GIRI, JUDGE

prp

J.B.KOSHY & V.GIRI, JJ.

M.F.A.NO. OF 2006 ()

J U D G M E N T

21st August, 2007